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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,773	01/23/2002	Robert M. Arlein	Arlein 2-2-26-4-5	8460

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EXAMINER

WONG, LESLIE

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/031,773

Applicant(s)

ARLEIN ET AL.

Examiner

Leslie Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Applicants' Response*

1. Receipt of Applicants' Response, filed 07 February 2005, is acknowledged.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-16, 20-30, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by **Gershman et al.** ("Gershman ") (U.S. Patent 6,199,099 B1).

Regarding claims 1, 13, 21, 29, and 37, **Gershman** teaches a method for use in a distributed data network wherein a user may request and receive content from one or more entities in the distributed data network, the method comprising the steps of:

- a). providing one or more mechanisms for enabling at least one of the user and one or more of the entities to control which entities in the distributed data network have access to information generate information in association with the user's activity on the distributed data network (col. 43, line 64 – col. 44, line 37; col. 39, lines 5-24; and Fig. 21); and

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b). customizing content to be received by the user in accordance with at least a portion of the accessible information (col. 41, line 57 - col. 42, line 3 and Fig. 12).

Regarding claims 2, 3, and 20 **Gershman** further teaches wherein the step of providing the one or more control mechanisms for the user comprises the step of enabling the user to specify two or more roles within which the user may perform activities on the distributed data network (col. 32, lines 32-42 and Figs. 12-14).

Regarding claims 4 and 5, **Gershman** further teaches wherein the substantial unlinkability of the profiles substantially prevents an entity from learning about the user's activity at another entity, when the user conducts activities at the different entities in the different roles (col. 41, lines 5-50).

Regarding claims 6, 7, and 12, **Gershman** further teaches wherein the roles are specified in accordance with at least one dedicated server located in the distributed data network (col. 35 lines 51-56; col. 30, lines 30-35 and 59-64; Figs. 10A and 17).

Regarding claims 8, 9, 22, and 30 **Gershman** further teaches providing the one or more control mechanisms for the one or more entities comprises the step of enabling the one or more entities to specify which other entities are able to access information entities learned in association with the user conducting activities with the one or more entities as the User's profiles contains user-specified data and information that the

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Intelligent Agent Coordinator has learned and extrapolated from each user's information and activities (col. 39, lines 5-24; col. 43, line 64 – col. 44, line 37; col. 39, lines 5-24)

Regarding claims 10, 11, 14-16, and 23-26, **Gershman** further teaches wherein the one or more entities are enabled to specify a degree of information derivation in accordance with which other entities may be able to access the information (col. 41, line 57 - col. 42, line 3).

Regarding claims 27 and 28, **Gershman** further teaches applying a scoring function to portions of the stored information to which a given entity has access (col. 14, lines 49-52; col. 30, lines 16-27).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gershman et al.** ("Gershman ") (U.S. Patent 6,199,099 B1) as applied to claims 1-16, 20-30, and 37 and in view of **Lau et al.** ("Lau") (U.S. Patent 6,182,124 B1).

Regarding claim 17, **Gershman** does not explicitly teach wherein the access credentials further comprise an expiration time specifying a duration of the access rights.

**Lau**, however, teaches 'the access credentials further comprise an expiration time specifying a duration of the access rights' as a method for enforcing time limits in an electronic filing system (col. 3, lines 20-23, lines 40-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Lau's** teaching would have allowed **Gershman's** to enforce time limits on electronic submission by revoking access privileges of the user at the time a deadline expires as suggested by **Lau** at col. 6, lines 5-12.

Regarding claim 18, **Gershman** does not explicitly teach wherein the access credentials further comprise a digital signature on the access credentials.

**Lau**, however, teaches 'the access credentials further comprise a digital signature on the access credentials' as the application may use message digest, encryption, and digital signature technologies to assure integrity, privacy, authentication, and non-repudiation of submissions (col. 5, lines 18-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Lau's** teaching would have allowed **Gershman's** to assure integrity, privacy, authentication, and non-repudiation of submissions as suggested by **Lau** at col. 5, lines 18-21.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Gershman et al.** ("Gershman ") (U.S. Patent 6,199,099 B1) in view of **Lau et al.** ("Lau") (U.S. Patent 6,182,124 B1) as applied to claims 17 and 18 above and further in view of **Herz** (US 2001/0014868 A1).

Regarding claim 19, **Gershman** and **Lau** do not explicitly teach the access credentials further comprise a public key matching a private key by which the access credentials have been digitally signed.

**Herz**, however, teaches 'access credentials further comprise a public key matching a private key by which the access credentials have been digitally signed' as the customer uses his private key to encrypt a random string R chosen by the vendor, and the vendor verifies that R may be retrieved by decrypting this with the public key of the customer identified in the coupon (§ 0288).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Lau's** teaching would have allowed **Gershman-Lau's** to maximized security measure in verification of customers identify by requiring the customer to present the private key to match with its public key as suggested by **Herz** at ¶ 0288.

### ***Response to Argument***

7. Applicants' arguments with respect to the combination of Gershman and Kohane have been considered but are moot in view of the new ground(s) of rejection.

Further, Applicants argue that Office Action at page 4 states that Gershman discloses "substantial unlinkability" of profiles, however, no where does Gershman mention "substantial unlinkability" of profile.

In response to the preceding arguments, Examiner respectfully submits that Gershman teaches a web-based information retrieval and display system (col. 3, lines 14-15). Gershman further teaches that the step of enabling the user to queries the Web to find price, shipping and availability information form various Web suppliers (col. 3, lines 21-23). Gershman's system allows the user to create a number of different personas that aggregate profile information into sets that are useful in different context. For example, a user may create one persona when making purchases for his home. This persona may contain his home address and may indicate that this user is looking to find a good bargain when shopping. The same user may create a second persona



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that can be used when he is in a work context. This persona may store the user's work address and may indicate that the user prefers certain vendors or works for a certain company that has a discount program in place. When shopping for work-related items the user may use this persona (col. 41, lines 9-22). It is submitted that Gershman's teaching of different personas is equivalent to Applicants' "substantial unlinkable" of profile as a user would maintain a different profile for each persona and the information in each profile is useful in different context (i.e., unlinkable profile) (col. 41, lines 7-9).

Additionally, Applicants argue that Office Action at page 5 with regard to claims 8, 9, and 22, Gershman and its "Intelligent Agent Coordinator" are silent as to any notion of access control.

In response to the preceding arguments, Examiner respectfully submits that Gershman teaches "access control" as each profile field also contains a set of Permissions 1390 that are contained in that record. These permissions dictate who has what access rights to that particular Profile Field's information (col. 41, line 67 – col. 42, line 3). Hence, Gershman teaches the limitation as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (571) 272-4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leslie Wong  
Patent Examiner  
Art Unit 2167

LW  
April 26, 2005